

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Supplement and one Extraordinary issue to the Official Gazette Series I No. 13 dated 24-6-2004 namely, as follows:—

- (1) Supplement dated 29-6-2004 from pages 313 to 316 regarding Bill from Goa Legislature Secretariat.
- (2) Extraordinary dated 29-6-2004 from pages 317 to 320 regarding Notification from Department of Law and Judiciary (Legal Affairs Division.).

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10/3/2003-LA

The Sixth Schedule to the Constitution (Amendment) Act, 2003 (Central Act No. 44 of 2003), which has been passed by the Parliament and assented to by the President of India on 7-9-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 8-9-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE SIXTH SCHEDULE TO THE CONSTITUTION (AMENDMENT) ACT, 2003

AN

ACT

further to amend the Constitution of India in its application to the State of Assam.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Sixth Schedule to the Constitution (Amendment) Act, 2003.

2. *Amendment of Sixth Schedule to the Constitution.*— The Sixth Schedule to the Constitution shall, in its application to the State of Assam, have effect subject to the following modifications, namely:—

(1) In paragraph 1, after sub-paragraph (2), the following proviso shall be inserted, namely:—

“Provided that nothing in this sub-paragraph shall apply to the Bodoland Territorial Areas district.”;

(2) In paragraph 2, after sub-paragraph (1), the following proviso shall be inserted, namely:—

“Provided that the Bodoland Territorial Council shall consist of not more than forty-six members of whom forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the Scheduled Tribes, five for non-tribal communities, five open for all communities and the remaining six shall be nominated by the Governor having same rights and privileges as other members, including voting rights, from amongst the un-represented communities of the Bodoland Territorial Areas District, of which at least two shall be women.”;

(3) In paragraph 2, in sub-paragraph (3), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the District Council constituted for the Bodoland Territorial Areas District shall be called the Bodoland Territorial Council.”;

(4) In paragraph 3, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:—

"(3) Save as otherwise provided in sub-paragraph (2) of paragraph 3A or sub-paragraph (2) of paragraph 3B, all laws made under this paragraph or sub-paragraph (1) of paragraph 3A or sub-paragraph (1) of paragraph 3B shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect."

(5) After paragraph 3A, the following paragraph shall be inserted, namely:—

"3B. *Additional powers of the Bodoland Territorial Council to make laws.*— (1) Without prejudice to the provisions of paragraph 3, the Bodoland Territorial Council within its areas shall have power to make laws with respect to:— (i) Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases; (ii) Animal husbandry and veterinary, that is to say, preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice, cattle pounds; (iii) Co-operation; (iv) Cultural affairs; (v) Education, that is to say, primary education, higher secondary including vocational training, adult education, college education (general); (vi) Fisheries; (vii) Flood control for protection of village, paddy fields, markets and towns (not of technical nature); (viii) Food and civil supply; (ix) Forests (other than reserved forests); (x) Handloom and textile; (xi) Health and family welfare; (xii) Intoxicating liquors, opium and derivatives, subject to the provisions of entry 84 of List I of the Seventh Schedule; (xiii) Irrigation; (xiv) Labour and employment; (xv) Land and Revenue; (xvi) Library services (financed and controlled by the State Government); (xvii) Lotteries (subject to the provisions of entry 40 of List I of the Seventh Schedule), theatres, dramatic performances and cinemas (subject to the provisions of entry 60 of List I of the Seventh Schedule); (xviii) Markets and fairs; (xix) Municipal corporation, improvement trust, district boards and other local authorities; (xx) Museum and archaeology institutions controlled or financed by the State, ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance; (xxi) Panchayat and rural development; (xxii) Planning and development; (xxiii) Printing and stationery; (xxiv) Public health engineering; (xxv) Public works department; (xxvi) Publicity and public relations; (xxvii) Registration of

births and deaths; (xxviii) Relief and rehabilitation; (xxix) Sericulture; (xxx) Small, cottage and rural industry subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule; (xxxi) Social welfare; (xxxii) Soil conservation; (xxxiii) Sports and youth welfare; (xxxiv) Statistics; (xxxv) Tourism; (xxxvi) Transport (roads, bridges, ferries and other means of communications not specified in List I of the Seventh Schedule, municipal tramways, ropeways, inland waterways and traffic thereon subject to the provision of List I and List III of the Seventh Schedule with regard to such waterways, vehicles other than mechanically propelled vehicles); (xxxvii) Tribal research institute controlled and financed by the State Government; (xxxviii) Urban development—town and country planning; (xxxix) Weights and measures subject to the provisions of entry 50 of List I of the Seventh Schedule; and (xl) Welfare of plain tribes and backward classes:

Provided that nothing in such laws shall—

(a) extinguish or modify the existing rights and privileges of any citizen in respect of his land at the date of commencement of this Act; and

(b) disallow any citizen from acquiring land either by way of inheritance, allotment, settlement or by any other way of transfer if such citizen is otherwise eligible for such acquisition of land within the Bodoland Territorial Areas District.

(2) All laws made under paragraph 3 or under this paragraph shall in so far as they relate to matters specified in List III of the Seventh Schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the President.

(3) When a law is reserved for the consideration of the President, the President shall declare either that he assents to the said law or that he withholds assent therefrom:

Provided that the President may direct the Governor to return the law to the Bodoland Territorial Council, together with the message requesting that the said Council will reconsider the law or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may

recommend in his message and, when the law is so returned, the said Council shall consider the law accordingly within a period of six months from the date of receipt of such message and, if the law is again passed by the said Council with or without amendment it shall be presented again to the President for his consideration.”;

(6) In paragraph 4, after sub-paragraph (5), the following sub-paragraph shall be inserted, namely:—

“(6) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule.”;

(7) In paragraph 10, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

“(4) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule.”;

(8) In paragraph 12, in sub-paragraph (1), in clause (a), for the words, figures and letter “matters specified in paragraph 3 or paragraph 3A of this Schedule”, the words, figures and letters “matters specified in paragraph 3 or paragraph 3A or paragraph 3B of this Schedule” shall be substituted;

(9) In paragraph 17, the following proviso shall be inserted, namely:—

“Provided that nothing in this paragraph shall apply to the Bodoland Territorial Areas District.”;

(10) In paragraph 19, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

“(4) As soon as possible after the commencement of this Act, an Interim Executive Council for Bodoland Territorial Areas District in Assam shall be formed by the Governor from amongst leaders of the Bodo movement, including the signatories to the Memorandum of Settlement, and shall provide adequate representation to the non-tribal communities in that area:

Provided that the Interim Council shall be for a period of six months during which endeavour to hold the election to the Council shall be made.

Explanation.— For the purposes of this sub-paragraph, the expression “Memorandum of settlement” means the Memorandum signed on the 10th day of February, 2003 between Government of India, Government of Assam and Bodo Liberation Tigers.”;

(11) In paragraph 20, in Part I of the Table, after entry 2, the following entry shall be inserted, namely:—

“3. The Bodoland Territorial Areas District.”.

Notification

10/3/2003-LA

The Bio-Medical Waste (Management and Handling) (Amendment) Rules, 2000, published in the Gazette of India, vide number S. O. 201(E) dated 6-3-2000 by the Ministry of Environment and Forests, Government of India, are hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 24th February, 2004.

MINISTRY OF ENVIRONMENT AND FORESTS

Notification

New Delhi, the 6th March, 2000

S. O. 201(E).— In exercise of the powers conferred by sections 6, 8, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Bio-Medical Waste (Management and Handling) Rules, 1998, namely:—

1. (1) These rules may be called the Bio-Medical Waste (Management and Handling) (Amendment) Rules, 2000.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Bio-Medical Waste (Management and Handling) Rules, 1998, for Schedule VI, the following Schedule VI shall be substituted, namely:—

"SCHEDULE VI

(See rule 5)

Schedule for Waste Management facilities like
Incinerator/Autoclave/Microwave system

A. Hospitals and nursing homes in towns with population of 30 lakhs and above	By 30th June, 2000 or earlier
B. Hospitals and nursing homes in towns with population of below 30 lakhs—	
(a) with 500 beds and above	By 30th June, 2000 or earlier
(b) with 200 beds and above but less than 500 beds	By 31st December, 2000 or earlier
(c) with 50 beds and above but less than 200 beds	By 31st December, 2001 or earlier
(d) with less than 50 beds	By 31st December, 2002 or earlier
C. All other institutions generating bio-medical waste not included in A and B above.	By 31st December, 2002 or earlier

[F.No. 29-1/2000-HSMD]

V. RAJAGOPALAN
Jt. Secy.

Note:— The principal rules were published in the Gazette of India vide number S. O. 630(E) dated 20th July, 1998.

Notification

10/3/2003-LA

The Bio-Medical Waste (Management and Handling) (Second Amendment) Rules, 2000, published in the Gazette of India, vide number S. O. 545(E) dated 2-6-2000, by the Ministry of Environment and Forests, Government of India, are hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 24th February, 2004.

MINISTRY OF ENVIRONMENT AND FORESTS

Notification

New Delhi, the 2nd June, 2000

S. O. 545(E).— In exercise of the powers conferred by sections 6, 8, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Bio-Medical Waste (Management and Handling) Rules, 1998, namely:—

1. (1) These rules may be called the Bio-Medical Waste (Management and Handling) (Second Amendment) Rules, 2000.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Bio-Medical Waste (Management and Handling) Rules, 1998 (hereinafter referred to as the said rules), in rule 3,—

(i) in clause (7), after the words "carried out", the words "and includes common treatment facilities," shall be added;

(ii) after clause (7), the following clause shall be inserted, namely:—

'(7a) "Form" means Form appended to these rules;'

3. In the said rules, in rule 6, after sub-rule (5), the following sub-rule shall be inserted, namely:—

"(6) The Municipal body of the area shall continue to pick up and transport segregated non bio-medical solid waste generated in hospitals and nursing homes, as well as duly treated bio-medical wastes for disposal at municipal dump site."

4. In the said rules, in rule 7, for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) The prescribed authority for enforcement of the provisions of these rules shall be the State Pollution Control Boards in respect of States and the Pollution Control Committees in respect of the Union Territories and all pending cases with a prescribed authority appointed earlier shall stand transferred to the concerned State Pollution Control Board, or as the case may be, the Pollution Control Committees."

5. In the said rules, in rule 8, after sub-rule (3), the following sub-rule shall be inserted, namely:—

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"(4) The authorization to operate a facility shall be issued in Form IV, subject to conditions laid therein and such other condition, as the prescribed authority, may consider it necessary."

6. In the said rules, in rule 9, the words "The State Pollution Control Board/Pollution Control Committees shall be represented" shall be omitted.

7. In the said rules, in rule 13, after the words "prefer an appeal", the words and letter "in form V" shall be inserted.

8. In the said rules, after rule 13, the following rule shall be inserted, namely:—

Common disposal/incineration sites.— 14. Without prejudice to rule 5 of these rules, the Municipal Corporations, Municipal Boards or Urban Local Bodies, as the case may be, shall be responsible for providing suitable common disposal/incineration sites for the biomedical wastes generated in the area under their jurisdiction and in areas outside the jurisdiction of any municipal body, it shall be the responsibility of the occupier generating bio-medical waste/operator of a bio-medical waste treatment facility to arrange for suitable sites individually or in association, so as to comply with the provisions of these rules".

9. In the said rules, in Schedule I,—

(i) in the sub-heading, for the word "option", the words "Waste Category No." shall be substituted;

(ii) in the sub-heading, after the words, "Waste Category" the word "Type" shall be added;

(iii) in the sub-heading, for the words "Treatment and Disposal", the following shall be substituted, namely:—

"Treatment and Disposal Option+"

+Options given above are based on available technologies. Occupier/operator wishing to use other State-of-the-art technologies shall approach the Central Pollution Control Board to get the standards laid down to enable the prescribed authority to consider grant of authorisation";

(iv) against Category No. 6, in the second column, for the word "solid" the word "Soiled" shall be substituted;

(v) against Category No. 7, in second column, for the word "shaprs", the word "sharps" shall be substituted.

10. In the said rules, in FORM I, for the heading, the following heading shall be substituted namely:—

"Application for Authorisation/Renewal of Authorisation."

11. In the said rules, after Form III and the entries relating thereto, the following FORMS shall be added, namely:—

"FORMS IV & V"

(attached)

"FORM IV"

[See rule 8(4)]

(Authorisation for operating a facility for collection, reception, treatment, storage, transport and disposal of biomedical wastes).

1. File number of authorisation and date of issue.....

2. of is hereby granted an authorisation to operate a facility for collection, reception, storage, transport and disposal of biomedical waste on the premises situated at.....

3. This authorisation shall be in force for a period of Years from the date of issue.

4. This authorisation is subject to the conditions stated below and to such other conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act, 1986.

Date..... Signature.....
..... Designation

Terms and conditions of authorisation*

1. The authorisation shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made thereunder.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the prescribed authority.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the biomedical wastes without obtaining prior permission of the prescribed authority.

4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. It is the duty of the authorised person to take prior permission of the prescribed authority to close down the facility.

*Additional terms and conditions may be stipulated by the prescribed authority.

FORM V

(See rule 13)

Application for filing appeal against order passed by the prescribed authority at district level or regional office of the Pollution Control Board acting as prescribed authority or the State/Union Territory level authority.

1. Name and address of the person applying for appeal.
2. Number, date of order and address of the authority which passed the order against which appeal is being made (certified copy of order to be attached).
3. Ground on which the appeal is being made.
4. List of enclosures other than the order referred in para 2 against which appeal is being filed.

Date: Signature
Name & Address

[F. No. 23(2)/96-HSMD]

V. RAJAGOPALAN, Jt. Secy.

Note: The Principal rules were published in the Gazette of India vide number S. O. 630(E) dated 20-7-98, and subsequently amended vide S. O. 201(E) dated 6-3-2000.

Notification

10/4/99-LA (Vol. IV)

The Imperial Library (Indentures Validation) Repeal Act, 2002, (Central Act No. 53 of 2002), which has been passed by the Parliament and assented to by the President of India on 9-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 10-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE IMPERIAL LIBRARY (INDENTURES VALIDATION) REPEAL ACT, 2002

AN

ACT

to repeal the Imperial Library (Indentures Validation) Act, 1902.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Imperial Library (Indentures Validation) Repeal Act, 2002.

(2) The Imperial Library (Indentures Validation) Act, 1902 is hereby repealed. Repeal of Act 1 of 1902.

Notification

10/4/99-LA (Vol. IV)

The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002, (Central Act No. 56 of 2002), which has been passed by the Parliament and assented to by the President of India on 17-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 18-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT AND LEADERS OF OPPOSITION IN PARLIAMENT (SECOND AMENDMENT) ACT, 2002

AN

ACT

further to amend the Salaries and Allowances of Officers of Parliament Act, 1953 and the salary and Allowances of Leaders of Opposition in Parliament Act, 1977.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002.

(2) It shall be deemed to have come into force on the 17th day of September, 2001.

CHAPTER II

Amendment to the Salaries and Allowances of Officers of Parliament Act, 1953

2. *Amendment of section 6 of Act 20 of 1953.*— In sections 6 of the Salaries and Allowances of Officers of Parliament Act, 1953, for sub-section (1A), the following sub-section shall be substituted, namely:—

“(1A) On and from the commencement of the Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002, an officer of Parliament and his family, whether travelling together or separately, shall be entitled to travelling allowance at the same rates and for the same number of return journeys as admissible to a Minister and his family under sub-section (1A) of section 6 of the salaries and allowances of Ministers Act, 1952.”. 58 of 1952.

CHAPTER III

Amendment to the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977

3. *Amendment of section 5 of Act 33 of 1977.*— In section 5 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) On and from the commencement of the Salaries and Allowances of Officers of Parliament and Leaders of the Opposition in Parliament (Second Amendment) Act, 2002, a Leader of the Opposition and his family, whether travelling together or separately, shall be entitled to travelling allowance at

the same rates and for the same number of return journeys as admissible to a Minister and his family under sub-section (1A) of section 6 of the salaries and allowances of Ministers Act, 1952.”.

58 of 1952.

Department of Planning

Directorate of Planning, Statistics & Evaluation

Order

4-2-97/PLG/(DPSE) part/4047

Sanction of the Government is hereby conveyed for creation of one temporary post of Joint Director Group 'A', Gazetted in the pay scale of Rs. 10000-15200 in the Common Statistical Cadre of the Directorate of Planning, Statistics and Evaluation, Panaji for implementation of Centrally Sponsored Scheme "Rationalisation of Minor Irrigation Statistics" with immediate effect till the Central assistance flows to the State for implementation of the Scheme.

The expenditure shall be debited to the Budget Head "3454—Census Surveys & Statistics", 02—Survey and Statistics, 111—Vital Statistics, 11—Rationalisation of Minor Irrigation Statistics (Plan)(A).

This issues with the concurrence of Finance (Rev. & Cont.) Department vide their U. O. No. 1419 dated 10-6-2004.

By order and in the name of the Governor of Goa.

S. K. Tewari, Director and ex officio Joint Secretary (Planning).

Panaji, 14th June, 2004.

Department of Public Health

Order

25/8/2003-I/PHD

Sanction of the Government is hereby accorded for the revival of the post of Statistical Assistant (Group 'C', Pay Scale Rs. 4000-6000) under Malaria

and Other Vector Borne Diseases Control Programme under the Directorate of Health Services, Panaji.

The expenditure towards pay and allowance is debitable to Budget Head—2210 Medical & Public Health, 86—Public Health, 101—Prevention & Control of Diseases, 02—Malaria & OVBD Control Programme (NP), 01—Salaries.

This issues with the concurrence of Finance Department vide their U. O. No. Finance (R&C)/1006-F dated 14-4-2004.

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Health).

Panaji, 17th June, 2004.

Department of Revenue

Order

35/4/2003-RD

In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of Indian Stamp Act, 1899 (Central Act 2 of 1899), (herein referred to as the "said Act") the Government of Goa hereby reduces the Stamp Duty chargeable under the said Act on Affidavits relating to affirmation or declaration of date of birth made by the senior citizens of the State of Goa for availing benefit of pension/financial assistance under "Dayanand Social Security Scheme" undertaken by the Government of Goa from Rs. 20/- (Rupees Twenty only) to Rs. 5/- (Rupees Five only) with immediate effect.

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 23rd June, 2004.

Department of Transport

Order

5/30/90-TPT(PF)/2004/1157

Sanction of the Government is hereby accorded for creation of the following 10 (ten) Group 'C' posts in the Directorate of Transport, Panaji with immediate effect:—

Sr. No.	Designation of posts	Pay scale	No. of posts
1	2	3	4
1.	Assistant Motor Vehicles Inspectors	4500-125-7000	9
2.	Accountant	4500-125-7000	1

The expenditure on the 10 posts referred to above shall be debited to the Budget Head: 3055—Road Transport, 001—Direction and Administration, 06—Strengthening of the Transport Department (Plan).

This issues with the concurrence of Finance Department vide their U. O. Fin (R&C)/1445-F dated 11-6-2004.

By order and in the name of the Governor of Goa.

Daulat Hawaldar, Director of Transport & ex officio Joint Secretary (Tpt.).

Panaji, 18th June, 2004.